



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Midgley, et. al.

Serial No: 09/465,436

Filed: December 16, 1999

For: Systems and Methods for Backing Up  
Data Files

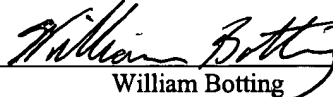
Art Unit: 2771

Attorney Document No. Not yet assigned

Docket No.: NTK-005.01

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Petitions Branch, Assistant Commissioner for Patents, Washington, D.C. 20231, on August 28, 2001.

  
William Botting

RESPONSE TO NOTICE TO FILE MISSING PARTS

Petitions Branch  
Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

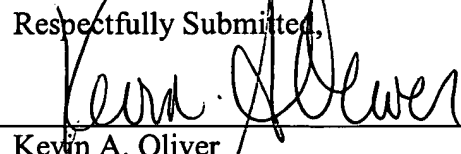
Enclosed is an executed combined Declaration and Power of Attorney for Patent Application 09/465,436. Also enclosed is a copy of the Notice to File Missing Parts and Verified Statement claiming Small Entity Status.

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Date: August 28, 2001

**Customer No: 25181**  
Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109-2170

Respectfully Submitted,

  
Kevin A. Oliver  
Reg. No. 42, 049

RECEIVED

SEP 04 2001

OFFICE OF PETITIONS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: NTK-005.01

In re Application of:

Midgely, et al.

Application No.: 09/465,436

Filed: December 16, 1999

For: Systems and Methods for Backing up Data Files

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Group Art Unit: 2771

Examiner: Not Assigned

**CERTIFICATE OF FIRST CLASS MAILING (37 CFR 1.8(A))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date set forth below.

1 September, 2000  
Date of Signature  
and of Mail Deposit

By: E. E. Coker  
Eugene Coker

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

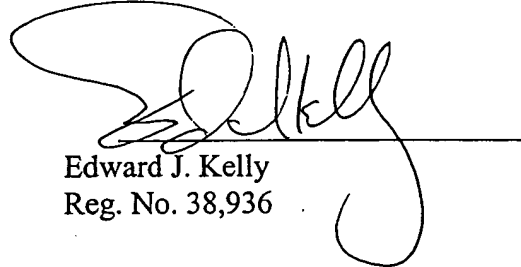
Dear Sir/Madam:

Responsive to the Notice To File Missing Parts of Application dated February 1, 2000 (copy enclosed) Applicants' attorney submits herewith an executed Declaration For Patent Application and a check in the amount of \$2,740.00 to cover the filing fee of \$760.00, the surcharge fee of \$130.00 and \$1,850.00 for the five-month extension of time for the above-identified application as a large entity.

We believe that we have appropriately provided for fees due in connection with this submission, however, if there are any other fees due in connection with the filing of this Response, please charge the fees to our **Deposit Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,  
FOLEY, HOAG & ELIOT LLP



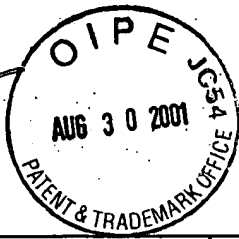
Edward J. Kelly  
Reg. No. 38,936

Dated: 1 September, 2000

Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109  
Telephone: (617) 832-1000  
Facsimile: (617) 832-7000

EJK/cmm  
Enclosures

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/465,436 12/16/99 MIDGLEY C NTK-005.01

PATENT GROUP  
FOLEY HOAG & ELIOT LLP  
ONE POST OFFICE SQUARE  
BOSTON MA 02109-2170

0242/0201

Res p to MP

NOT ASSIGNED

**DUE:** 4-1-00

2771

**FINAL:** 9-1-00

DATE MAILED:

02/01/00

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$ 870.00

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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FEB 04 2000

F. & E. LLP  
PATENT DEPT.

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